Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-10, 12-14, 16-18 and 20-23 are pending in the application, with claims 1, 7, 8, 14, and 16 being the independent claims. Claims 1 and 12 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Claims

Claim 12 was objected to because of alleged informalities. Without acquiescing to the propriety of the objection, Applicant has amended claim 12 to accommodate the objection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the objection to claim 12.

Rejections under 35 U.S.C. § 112

Claim 1 was rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as their invention. Without acquiescing to the propriety of the rejection, Applicant has amended claim 1 to accommodate the rejection. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 1.

Rejections under 35 U.S.C. § 103

Claim 1-10, 14, 16-18, 20, and 23

Claims 1-10, 14, 16-18, 20, and 23 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,192,340 to Abecassis ("Abecassis") in view of U.S. Patent No. 5,996,015 to Day et al. ("Day"), and in further view of U.S. Patent No. 6,529,584 to Ravago ("Ravago").

Independent claim 1 recites, among other features, "authenticating said ***multimedia device***, and determining whether said ***multimedia device*** is authorized to access said plurality of multimedia clips" and "if said ***multimedia device*** has been authenticated and is authorized to access said plurality of multimedia clips, generating a menu for selecting one or more specific clips from said plurality of selectable multimedia clips for playing by said multimedia device." The combination of Abecassis, Day, and Ravago does not teach or suggest at least these features recited in independent claim 1.

The Examiner concedes on page 3 of the Office Action that the primary citation to "Abecassis does not explicitly indicate...the multimedia device is authenticated prior to granting access to said plurality of multimedia clips." Nevertheless, the Examiner contends that:

> Ravago teaches a systems for accessing an audio database (Col. 3, ll. 8 – 12) where the user's mobile device provides interactivity (Col. 6, ll. 59 – 67) with a generated playlist (Col. 5, ll. 55-67). Ravago suggests within the teaching that the user's mobile device must first sign-on and be authenticated before that device is authorized to access music or commands of the server (Col. 6, ll. 13-29).

(Office Action, p. 4.) Applicant respectfully disagrees.

Ravago at most discloses a multimedia server that authenticates a ***user*** over a telephone network. (Ravago, 6:7-22.) More specifically, Ravago discloses that the multimedia server forwards a login request "to [a] session control module 40 so as to authenticate the ***user***." (Ravago, 6:14-15.) (Emphasis added.) This authentication, according to Ravago, can be "accomplished by prompting the user for a password." (Ravago, 6:15-17.)

In complete contrast to the teaching of Ravago, claim 1 recites "authenticating said ***multimedia device***, and determining whether said multimedia device is authorized to access said plurality of multimedia clips." Authenticating a user, as taught by Ravago, is not sufficient to teach or suggest authenticating ***a multimedia device*** as recited in claim 1.

Moreover, Applicant further submits that the above described portion of Ravago, at col. 6, lines 13-22, which was relied on by the Examiner in rejecting claim 1 (and the other independent claims), finds no support in U.S. Provisional Patent Application No. 60/665,008 to which Ravago claims priority. As set forth in the MPEP, "the subject matter used in the rejection must be disclosed in the earlier-filed application in compliance with 35 U.S.C. 112, first paragraph, in order for that subject matter to be entitled to the earlier filing date under 35 U.S.C. 102(e)." MPEP § 2136.03(IV). Because this subject matter is not described in U.S. Provisional Patent Application No. 60/665,008, the effective date for this portion of Ravago as a reference under 35 U.S.C. § 102(e) must be, at the earliest, September 19, 2000 (the filing date of the Ravago reference).

Thus, it is improper to rely on col. 6, lines 13-22 of Ravago to teach the above noted feature of claim 1 because this portion of Ravago is only entitled to an effective

date of September 19, 2000, which is later than the effective priority date of the claims of the present application.

Day does not cure the deficiency of Abecassis and Ravago. Day is directed to a method for seamlessly joining together a plurality of multimedia files "prior to file delivery from a server library to network clients to enable a continuous and uninterrupted flow of multimedia data and a corresponding seamless video presentation of the selected files." (Day, col. 2, ll. 28-36.) Like Abecassis and Ravago, Day does not teach or suggest authenticating said multimedia device, and determining whether said multimedia device is authorized to access said plurality of multimedia clips" and "if said multimedia device has been authenticated and is authorized to access said plurality of multimedia clips, generating a menu for selecting one or more specific clips from said plurality of selectable multimedia clips for playing by said multimedia device" as recited by Applicant's claim 1.

Therefore, there is no prima facie case of obviousness with respect to claim 1 for at least the reason that the cited references, alone or in combination, do not teach or suggest each and every feature of claim 1. Claims 2-6, 17, 18, 20, and 23 depend from claim 1. For at least the reasons provided above with respect to claim 1, and further in view of their own features, claims 2-6, 17, 18, 20, and 23 are patentable over Abecassis, Day, and Ravago, alone or in combination. Accordingly, Applicant respectfully requests that the rejection of claims 1-6, 17, 18, 20, and 23 be reconsidered and withdrawn

Independent claim 7 recites, among other features, "receiving access to said stored plurality of multimedia clips in response to said media server authenticating said multimedia device and authorizing said multimedia device to access said stored plurality of multimedia clips." As noted above in regard to claim 1, Abecassis, Day, and Ravago,

alone or in combination, fail to teach or suggest at least this feature of claim 7. Therefore, there is no prima facie case of obviousness with respect to claim 7. Accordingly, Applicant respectfully requests that the rejection of claim 7 be reconsidered and withdrawn

Independent claim 8 recites, among other features, "wherein said media server is configured to receive input of said user request for multimedia clips from said multimedia device and to generate a playlist file based on said user's request if said multimedia device has been authenticated and is authorized to access said multimedia clips." As noted above in regard to claim 1, Abecassis, Day, and Ravago, alone or in combination, fail to teach or suggest at least this feature of claim 8. Therefore, there is no prima facie case of obviousness with respect to claim 8. Accordingly, Applicant respectfully requests that the rejection of claim 8 be reconsidered and withdrawn

Claims 9 and 10 depend from claim 8. For at least the reasons provided above with respect to claim 8, and further in view of their own features, claims 9 and 10 are patentable over Abecassis, Day, and Ravago, alone or in combination. Accordingly, Applicant respectfully requests that the rejection of claims 9 and 10 be reconsidered and withdrawn

Independent claim 14 recites, among other features, "wherein said media server is configured to authenticate said multimedia device and determine whether said multimedia device is authorized to access said plurality of centrally stored multimedia clips." As noted above in regard to claim 1, Abecassis, Day, and Ravago, alone or in combination, fail to teach or suggest at least this feature of claim 14. Therefore, there is no prima facie case of obviousness with respect to claim 14. Accordingly, Applicant respectfully requests that the rejection of claim 14 be reconsidered and withdrawn.

Independent claim 16 recites, among other features, "means for providing authentication information to the at least one media server and for receiving access to said stored plurality of multimedia clips in response to said media server authenticating said multimedia device and authorizing said multimedia device to receive access to said stored plurality of multimedia clips." As noted above in regard to claim 1, Abecassis, Day, and Ravago, alone or in combination, fail to teach or suggest at least this feature of claim 16. Therefore, there is no prima facie case of obviousness with respect to claim 16. Accordingly, Applicant respectfully requests that the rejection of claim 16 be reconsidered and withdrawn.

Claims 12 and 13

Claims 12 and 13 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abecassis in view of Day and Ravago and in further view of U.S. Patent No. 6,446,096 to Holland et al. ("Holland"). Claims 12 and 13 depend from independent claim 8 and include the features recited therein. Holland does not overcome the deficiencies of Abecassis, Day, and Ravago relative to independent claim 8 described above. For at least this reason, Applicant respectfully requests that the rejection of claims 12 and 13 be reconsidered and withdrawn.

Claim 21 and 22

Claims 21 and 22 were finally rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abecassis in view of Day and Ravago and in further view of U.S. Patent No. 5,479,536 to Comerford ("Comerford"). Claims 21 and 22 depend from independent claims 1 and 16, respectively, and include the features recited therein. Comerford does not overcome the deficiencies of Abecassis, Day, and Ravago relative to independent claims 1 and 16 described above. For at least this reason, Applicant

respectfully requests that the rejection of claims 21 and 22 be reconsidered and withdrawn.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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